IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.527 OF 2007

Vikas Rajendraprasad Upadhyay & Ors. ...Applicants.
V/s.
The State of Maharashtra ...Respondent.

Shri V.V.Gangurde, adv. for the Applicants.
Ms.S.V.Gajare, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 16th March, 2007.

P.C.:

1. Heard Mr.Gangurde, the learned counsel for the applicants and Ms.Gajare, the learned APP for the State.

2. The applicants are accused in Sessions Case No.476 of 2001. On 6-2-2007 the prosecution witnesses were present but the counsel for the accused was absent. Therefore, application for adjournment was made. That application was allowed subject to payment of Rs.300/- to each of the prosecution witnesses towards T.A./D.A. before 2.00 p.m. on the same day, failing which the bail bonds were directed to be forfeited . As the payment was not made till 2.00 p.m., the bail bonds came to be forfeited . After that application was made seeking permission to deposit Rs.1,000/-. However, it appears that the said application was rejected and the learned Additional Sessions Judge, Kalyan passed the

order to issue N.B.W. returnable 21-5-2007.

3. Taking into consideration the circumstances noted above, I find that as the accused were present before the Court, the non bailable warrants should not have been issued against them. The learned counsel for the applicant makes a statement that the amount of T.A./D.A. for the witnesses will be paid by the applicants within two weeks from this date.

4. In view of this, subject to the accused applicants depositing an amount of T.A./D.A. of the witnesses, who were present on 6-2-2007, within two weeks from this date, Non Bailable Warrants issued against them stand cancelled. Earlier bail bonds shall continue. In view of the time granted to deposit the amount, the non bailable warrants shall not be executed against them for two weeks.

5. Application stands disposed off accordingly.

6. Parties shall act on an authenticated copy of this order.

(J.H.Bhatia,J.)